

Proposed Amendments to Technical Standards Related to Digital Recording in Courts

COT – February 15, 2013
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Context

- ▶ Keeping the Record Committee Final Report (12/2005)
Recommendations
 - ▶ Officially sanction digital recording alternatives to court reporters in certain situations
 - ▶ Set retention schedules for electronic transcripts and audio recordings
 - ▶ Older records must be refreshed and migrated
 - ▶ Set minimum equipment and operating standards to protect availability and integrity of audio records created
 - ▶ Review the technology landscape for audio recoding annually to keep pace with innovation
- ▶ Input from Final Report Appendix H and Maricopa Superior Court SME
- ▶ Requirements and recommended practices codified in ACJA §I-602, issued June 28, 2006
- ▶ Annual review requirement called to staff's attention this summer
 - ▶ Staff reviewed and COT OK'd changes for posting/comments



Development of Changes

- ▶ Circulated to Maricopa Superior Court's replacement for the original subject matter expert
- ▶ Circulated to AOC resource supporting recording of high profile Thomas hearings at Supreme Court
- ▶ Reviewed their changes with AOC Court Services Division representatives
- ▶ Selfishly changed frequency for review from "annually" to "periodically"
 - ▶ Recording technology is mature; best practices remain in flux
- ▶ Circulated notice to Clerk's Ass'n, AASCA, LJCAA
- ▶ Reviewed in detail with COT, LJC, and COSC members



Specific Proposed Changes

- ▶ Distinction between confidence monitoring and input monitoring
 - ▶ Test recording and playback versus mere verification of input signal being received (clarified in definitions)
 - ▶ System check added to definitions matches § 5-208
- ▶ System check required in advance of any court proceedings following loss of power or system shutdown
- ▶ Added “format” to list of requirements for audio files
 - ▶ Specified in ACJA § 1-506 (D)(5)(b) for multimedia (.wav poss)
 - ▶ Updated reference paragraph numbers from §§ 1-504 and -506



Specific Proposed Changes (cont'd)

- ▶ Clarified circumstance in which recording is official record
 - ▶ When no certified court reporter is present, the electronic recording is the record used to make the transcript
 - ▶ Except when used solely for preparation of minute entries (SCR 124(d)(4))
 - ▶ When present, reporter's record is used, obviously (SCR 30(B)(4))
- ▶ Removed recommended practice related to considering probable transcript volume before implementing audio recording
- ▶ Made transcript coordinator responsible for the timely provision of recordings to authorized transcribers
 - ▶ Requirement to assign a coordinator not changed
 - ▶ Duties changed from “producing the transcript” to providing the recordings to acknowledge lack of control over transcribers
- ▶ Changed frequency of review to “periodically” vs. “annually”
- ▶ Made several minor editorial wording changes

Comments Roundup

- ▶ (C)(2)(b) “The index shall allow for the ability to link between the verbatim audio record and another internal court management system”
 - ▶ Does that mean the audio system must connect? No.
 - ▶ Reworded to “may link audio with another court system”
- ▶ (E)(3) Transcription volume consideration
 - ▶ What does this mean? Consider the process changes required.
 - ▶ Why was this included previously? Warning of the KTR Committee several years ago, turned out not to be onerous over time.
- ▶ (B) Requirements apply to creation of the official court record only, not other incidental uses of audio recordings



Comments Roundup

- ▶ Some questions about the format requirement (.wav)
 - ▶ Clarified capability versus requirement to save in .wav
 - ▶ All systems in IT plan inventories are capable today
- ▶ No issues with “periodic” review versus annual
 - ▶ General agreement technology is stable
- ▶ No issues with rewritten transcript coordinator duty
 - ▶ Reflects reality of not controlling production of transcript



Next Steps

- ▶ Collect any last comments on the proposed amendments for ACJA §1-602, “Digital Recording of Court Proceedings”
- ▶ Submit to Legal and forward to AJC for consideration at March 28 meeting
- ▶ Thank you for helping to craft a better code section!



Motion

Recommend the proposed changes to ACJA Section I-602 to AJC for consideration, as presented.

